

CHARTER COMMISSION MEETING MINUTES

MONDAY, OCTOBER 18, 2010

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: Dale Bourgeois

Charter staff members in attendance: Tammy Pratt (Assistant City-Parish Attorney), Vivian Neumann (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Clerk Norma Dugas

Administration staff in attendance: Chief Financial Officer Becky Lalumia and Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Don Bacque was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members.
There were no comments or announcements from Commission Members.

AGENDA ITEM NO. 4: Consideration and discussion of structure of governance of the Consolidated Government

Lewis requested that Legal explain the procedure with reference to voting. Tammy Pratt stated that the Commission could not vote on any matter on the printed agenda, as it did not indicate that a vote could occur. If a vote would be warranted, the Commission could take a vote to add a new item to the agenda, which would require a unanimous vote of the Commission. If the vote to add an agenda item was unanimous, the item may then be considered for a vote.

Although he was not prepared to vote on a governance option, Oats questioned why the Commission could not vote. Pratt noted that the agenda stated the Commission would “*consider and discuss*” the governance structure and did indicate a vote would occur; however, she reiterated that a vote could be added under the Commission’s Standing Rule #4 as follows:

“The Commission may take action on business noticed in an agenda, provided that, upon unanimous approval of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the Commission, there shall be an opportunity for public comment on any such motion in accordance with La. R.S. 42:5.”

Oats disagreed with the opinion, adding that the rule applied only when an item had not been identified on the agenda. The word “consider”, in his opinion, allowed for a vote.

Conque noted that the Commission would only be coming to a consensus on preliminary decisions and Pratt reiterated that an agenda item to take up a vote could be added to the agenda under Standing Rule #9, which stated:

"The Commission may, from time to time, consider proposals relative to the Lafayette City-Parish Home Rule Charter and preliminarily vote on such proposals. The purpose of such preliminary approval is to conclude the work on such proposal, on a preliminary basis, so as to allow the Commission to turn its attention to other issues or proposals. Those proposals approved preliminarily by the affirmative vote of not less than five (5) Commission members shall later be considered for final approval. Those proposals receiving final approval by the affirmative vote of not less than (5) Commission members shall be filed with the Clerk of the Lafayette City-Parish Council and Lafayette City-Parish President."

Bacque concurred that, given the stated agenda item, the Commission should be able to come to a consensus vote on governance structure issues.

Lewis then referred to the Chart on page 3 titled "Governance Options" included as backup information and reviewed the six (6) options.

GOVERNANCE OPTIONS – See attachment to the minutes.

Governance Option #1 was the current structure and form of government under which the city and unincorporated parish were operating. Referring to **Governance Option #2**, Bacque stated that he suggested an independent, paid utility board. Conque asked who would the appointing authority be and Bacque noted that there were other board structures that could be looked at, similar to appointments made to the Lafayette Economic Development Authority (LEDA) Board and Airport Commission. Manuel asked for input on the option whereby city governing officials would oversee the utility board and Bacque responded that the board could possibly be made up of five (5) members of the City Council with the largest percentage/population of City residents.

Conque noted that the latter proposal would disenfranchise those citizens who were not citizens of the five majority City Council districts on the utility board. Walker stated that he saw LUS similar to a corporation with a board elected by the stockholders, only LUS would have stakeholders, being the residents of the City of Lafayette. These stakeholders would be professionals from the community that would be elected. He felt the people of Lafayette needed to have a voice on who governed the board.

In response to the suggestion that paid professionals be placed on the utility board, Lewis reminded that LUS already paid a nationally recognized consulting firm to provide advice on every aspect of the system. In his opinion, LUS already had the paid professionals with the expertise needed to advise the department on the operations.

Both Carson and Lewis concurred with Walker in that the decision on selecting the board members should not be far removed from the residents of Lafayette. Conque expressed concern that an independent board could make changes to the in-lieu-of-tax percentage amount paid to the City and Huval suggested that the structure could be set up to provide for a balance between an independent board and the Council. Further, he cautioned there were disadvantages no matter if the utility board would be appointed or elected.

Oats stated that if the utility board was structured similar to the current LPUA, the citizens would feel disenfranchised. He pitched the idea of a proportional voting or a weighted vote among the Council to ensure that all city residents were represented on votes.

Lewis supported **Governance Option #4**, which included a City Council as well as would be the simplest model to implement. Additionally, this option would resolve LPUA and Zoning matters and include every resident of the City of Lafayette on City votes. He suggested a 9-member Parish Council that would be consistent with the district breakdown and membership of the School Board. Referring to membership of the City Council, Oats expressed concern about the City Council being a 5-member board and suggested a 9-member board, given the population would increase. He noted that, if the functions of government remained consolidated, the operations would be funded 85% by City of Lafayette funds and the Parish Council would be overseeing an operation funded largely by the City. Additionally, Oats supported a mayor for the City of Lafayette; however, a Parish President would not be needed.

Bacque asked who would pay the salaries of the Parish Council and Lewis responded salaries would come from Parish funds. Bacque stated that Charter recommendations on Consolidation needed to be viewed from the perspective of *“how the result would impact the entire parish”* not in terms of *“how it would make the City of Lafayette better”*. Oats added that he favored the idea of giving more flexibility to the departments on operations so the directors would not have to come back each time to amend the Charter.

Lewis noted that Conque had presented his proposal in the previous meeting related to **Governance Option #3**. Conque stated that he no longer supported his original proposal under the Jacksonville model and felt the City of Lafayette should have its own mayor and Council. Through redistricting, there could be several districts that would not have a majority representation from the City. Under his new proposal, there would be a Parish Council who would make the decision on how the parish function/services would be provided. This may come in the form of an intergovernmental agreement or going back to its own Parish operations.

Referring to the comment that City residents did not care for the parish, Oats clarified that it was more about needing a leadership who could focus on City matters. During the presentation by the departments, Bacque reminded that none of the directors indicated a need to deconsolidate. Oats explained that it was not about what the department heads thought about Consolidation, but what the citizens wanted.

Manuel asked if the parish’s budget was \$61 million and Lalumia responded affirmatively and clarified that the parish paid their portion of funding into the same line items as the City, for example the parish paid for their portion of salaries for the mayor, Council, legal fees, etc. She then noted that monies could be used to contribute to these and other line items, should a separation occur. **Governance Option #5** would provide for two (2) separate governance structures, with the operations remaining consolidated. Finally, **Governance Option #6** would be a total deconsolidation. Lewis advised that, when voting, the Commission would consider an amendment a “preliminary” decision.

AGENDA ITEM NO. 5: General comments from the public on Consolidation

► Lewis Kellogg – stated that the utility system was broken in that it had people that lived outside of the City making decisions for it. Previously, two mayors attempted to sell the utility system; and it was his request that language be written into the charter that would prohibit same, without first getting approval from Lafayette citizens. He did not feel that the LUS Board should be appointed and suggested that a Council and mayor be

responsible for the City's business, with the Council determining what would be done, not the mayor. There should be a weaker mayor/strong Council form of government.

► Patrick Brasseaux – reminded that on last week, Commissioner Bourgeois emphasized the need to reach out to the public by way of advertising to get more input on the Charter. He saw only one article in the paper inviting the public to attend. Lewis stated that he too was disappointed that more people had not addressed the Commission to provide input; however, he felt that after a direction and preliminary decisions were made, more citizens would come forward to provide input.

Oats noted that the Commissioners had received a packet of information from the League of Women Voters and suggested that each member take time to review the information. On another note, he requested that a breakdown be provided on the Charter budget and expenditures and reminded of his request for a presentation from the Legal Department.

AGENDA ITEM NO. 6: Next meeting date

The next meeting was scheduled for October 25 to further discuss the governance structure.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:20 p.m.

GOVERNANCE OPTIONS					
1	2	3	4	5	6
Present	Establish Separate Utility Commission	Jacksonville Model	Add City Council Only	Separate Governance Combined Operations	Total Deconsolidation
Mayor/President (1)	Mayor/President (1)	President (1)	Mayor/President (1)	Parish President (1) Mayor of City of Lafayette (1)	Parish President (1) Mayor of City of Lafayette (1)
CAO (1)	CAO (1)	CAO (1)	CAO (1)	CAO (2)	CAO (2)
City/Parish Council (9)	City/Parish Council (9)	County Council (19)	Parish Council (9) City Council (5)	Parish Council (9) City Council (5)	Parish Council (9) City Council (5)
City/Parish Clerk (1)	City/Parish Clerk (1)	County Clerk (1)	City/Parish Clerk (1)	Parish Clerk (1) City Clerk (1)	Parish Clerk (1) City Clerk (1)
Consolidated Operations	Consolidated Operations	Consolidated Operations	Consolidated Operations	Consolidated Operations under City of Lafayette	Parish Operations City Operations
LPUA (1)	Independent Utility Commission	Independent Utility Commission	No LPUA No Utility Commission	No LPUA No Utility Commission	No LPUA No Utility Commission